IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND SEVEN
: PRESENT :
THE HON'BLE SRI JUSTICE: **BILAL NAZKI**
AND
THE HON'BLE SRI JUSTICE: **NOOTY RAMAMOHANA RAO**

WRIT PETITION No. 16909 of 2006

Between:
M/s. Aurobindo Pharma Limited, rep. by its Managing Director, K.Nityananda Reddy, S/o. K.Sivarami Reddy.

..... Petitioner

AND

1. Union of India, rep. by its Secretary, Ministry of Finance, North Block, New Delhi.
2. Commissioner of Central Excise and Customs, Visakhapatnam-I, Commissionerate, Central Excise Building, Port Area, Visakhapatnam.

Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or orders, Direction or Directions declaring the Explanation-III to Rule 6(3) of the CENVAT Credit Rules 2004 which was inserted by Notification No. 27/2005-CE (NT) dated. 16-5-2005 by the 1st Respondent as illegal, arbitrary and unsustainable and to issue a consequential direction to the 2nd Respondent not to proceed against the petitioner on the basis of the Explanation-III to Rule 6(3) of the Cenvat Rules.

The Petition coming on for admission upon perusing the petition and the affidavit filed herein and the order of the High Court dated. 26-12-2006 made in WPMP.No. 21192/2006 and upon hearing the arguments of Sri Vedula Srinivas, Advocate for the Petitioner and of Sri A.Rajashekhar Reddy – S.C. for C.G. for the Respondents.

The Court made the following **ORDER:**

" List the Writ Petition for final hearing subject to part-heard on 15-02-07.
Interim stay granted by this Court on 26-12-06 is extended till then."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Ministry of Finance, Union of India, North Block, New Delhi.
2. The Commissioner of Central Excise and Customs, Visakhapatnam-I, Commissionerate, Central Excise Building, Port Area, Visakhapatnam.
3. One CC to Sri Vedula Srinivas, Advocate(OPUC)
4. Two spare copies.

SAH

HIGH COURT

BNJ & NRRJ

DATED: 18-01-2007

NOTE: LIST THE WRIT PETITION FOR FINAL HEARING SUBJECT TO PART-HEARD ON 15-02-2007

ORDER

WP.NO. 16909 OF 2006

EXTENDING THE INTERIM STAY

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 20-01-2007

HIGH COURT

BNJ & NRRJ

DATED: 18-01-2007

NOTE: LIST THE WRIT PETITION FOR FINAL HEARING SUBJECT TO PART-HEARD ON 15-02-2007

ORDER

WP.NO. 16909 OF 2006

EXTENDING THE INTERIM STAY